

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

COMMISSIONS IMPORT EXPORT S.A.,

Petitioner-Judgment Creditor,

-against-

REPUBLIC OF THE CONGO, as Judgment Debtor,
and ECREE LLC, as Fraudulent Transferee of the
Judgment Debtor,

Respondents.

No. 1:19-mc-00195 (KPF)

**[PROPOSED] ORDER
TO SHOW CAUSE**

Upon the Notice of Petition and Petition in this proceeding, the accompanying Declaration of Charles R. Jacob III, executed on August 28, 2019, and the Exhibits attached thereto, the accompanying Memorandum of Law, and in furtherance of the Court's Order of August 27, 2019, it is hereby:

ORDERED, that the Respondents, the Republic of the Congo (the "Republic") and Ecree LLC ("Ecree"), show cause why an Order should not be entered:

- (i) Pursuant to Fed. R. Civ. P. 55(b)(2), entering a default judgment against Respondents for the relief sought in the Notice of Petition and Petition, in the form attached as Exhibit 1 to the accompanying Declaration of Charles R. Jacob III;
- (ii) Pursuant to New York Judiciary Law § 27(b) and Fed. R. Civ. P. 58(a), amending the judgment entered in the United States District Court for the District of Columbia on October 9, 2013 as duly

registered in this Court on June 18, 2014 (the “10/9/2013 Judgment”), so as to convert the 10/9/2013 Judgment from Euros to United States Dollars at the currency conversion rate applicable on October 9, 2013; and pursuant to 28 U.S.C. § 1961 adding applicable post-judgment interest thereto; and

- (iii) Pursuant to 28 U.S.C. § 1610(c), determining that a reasonable period of time has elapsed following the entry of the judgment entered in the United States District Court for the District of Columbia on August 26, 2015 and duly registered in this Court on May 26, 2017 (the “8/26/2015 Judgment”) such that Petitioner may proceed with attachment and execution on the 8/26/2015 Judgment; and it is hereby further

ORDERED, that Respondents’ papers in response to this Order to Show Cause, if any, shall be filed by _____, 2019; any reply papers of Petitioner shall be filed by _____, 2019, and a hearing on Petitioner’s application for the relief set forth herein shall be held on October 9, 2019, at 3:00 p.m., in Courtroom 618 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007; and it is further

ORDERED, that service of this Order to Show Cause and its supporting papers as follows shall be deemed good and sufficient service and notice thereof:

- (i) On the Republic, by Federal Express, DHL or similar courier sent on or before September ___, 2019, as follows:

REPUBLIC OF THE CONGO
c/o The Minister of Foreign Affairs

Ministry of Foreign Affairs
Boulevard Alfred Raoul
BP: 2070 Brazzaville
Republic of the Congo

-and-

c/o the Ambassador of the Republic
to the United States of America
1720 16th Street, N.W.
Washington, D.C. 20009

-and-

c/o the Ambassador of the Republic
to the Permanent Mission of the Republic
to the United Nations
14 East 65th Street
New York, New York 10065; and

- (ii) On Ectree, by personal service on the New York Secretary of State on
or before September ___, 2019, and by first-class mail addressed as
follows, mailed on or before September ___, 2019:

ECREE LLC
c/o Marina Solo, Esq.
K&L Gates LLP
One Newark Center, 10th Floor
Newark, New Jersey 07102

-and-

c/o K&L Gates LLP
599 Lexington Avenue
New York, New York 10022

Dated: New York, New York
_____, 2019

Hon. Katherine Polk Failla
United States District Judge